

K.O'One  
Notes

Final Agenda  
UIC Joint Evaluation Conference Call  
EPA Region 5 & Illinois EPA Bureaus of Land and Water

February 24, 2012 10:00 am

**Location:** Region 5: 16<sup>th</sup> Floor Conference Room  
Illinois EPA, Sangamon Room

**Call-in**

**Number:** 877-226-9607  
**Conference Code:** 9826143648

**Attendees:**

Region 5:

*Water Division:*

Tinka Hyde, Director ✓  
Tim Henry, Associate Director ○

*UIC Branch*

Rebecca Harvey, Chief (~~not confirmed~~) ✓  
Bill Bates, Environmental Scientist (National Database) (not confirmed) *not here*  
Jeffrey McDonald, Compliance Expert (carbon sequestration) ✓  
Anna Miller, Environmental Scientist (147 updates) (not confirmed) ○  
Valoria Robinson, State coordinator ✓

*State and Tribal Programs Branch*

Debbie Baltazar, Chief (via conference call – 312-771-6355) ✓  
Dan Cozza, Section Chief, ✓  
Kim O'Lone, State Program Manager, Illinois ✓

Illinois EPA

*Bureau of Land* Division of Land Pollution Control

Doug Clay, Manager ✓  
Steve Nightingale, Permits ✓  
Bur Filson, UIC Wells Program

*Bureau of Water:* Division of Public Water Supply

Dave McMillan, Manager ✓  
Rick Cobb, Deputy Manager, Groundwater ✓  
Wade Boring, Geographic Analysis Manager ○

○ = not in attendance  
✓ = attended

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**Objectives:** Regarding the Region 5 and Illinois UIC Programs: To discuss performance highlights and areas of concern, as agreed to in the:

- FY 2012/2013 PPA,
- FY 11 Annual Performance Evaluation,
- February 24, 2011 Illinois Workplan Agreement.

**1. Performance Highlights:**

**Carbon Sequestration:** Although not addressed in the Illinois Annual Performance Evaluation, Region 5 believes the goals and objectives under this joint priority have been met. Discuss continuing coordination between EPA and Illinois EPA on carbon sequestration.

**Class I Permitting;** Although not addressed in the FY 11 Illinois Performance Evaluation, the goals and objectives under this task were met for FY 11. Discuss status of FY12 commitments.

**UIC State Reporting:** Illinois submitted an annual well inventory in December 2011 and data for the UIC PAMs on March 2, 2011 and October 4, 2011. Region 5 commented that Illinois has met the overall goals. However, with regards to the state's self assessment report for the UIC program, Illinois EPA did not discuss all aspects of UIC as described in the PPA.

Discussion topic: Future assessment reporting

**National UIC Database:** In FY11, Region 5 felt that Illinois exceeded its goals and objectives. Illinois submitted a test flow of data which was successful. EPA will continue to work with Illinois toward full integration with the national system and the ability to flow information on Class I and Class V. Discuss status of FY 12 commitments.

**2. Areas of Concern:**

**Class V Wells:** In FY 11 Illinois commented that EPA has been closing or permitting Class V wells. The UIC program is not adequately funded. Region 5 responded that:

The goal and objectives have not been satisfactorily met. EPA continues to implement Illinois Class V program which is an unintended consequence of the Illinois Mutual Benefits Project. It is imperative that our agencies work together to establish a more permanent solution to Class V well regulation.

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Discussion topics:

- (1) Step-wise approaches that Illinois can take to regulating Class V wells.
- (2) Coordination between Illinois Bureaus of Land and Water.

**3. Additional Topics /Next Steps**

Any remaining topics to discuss, action items agreed to, and the plan for the next meeting.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

177 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 05 2012

REPLY TO THE ATTENTION OF:

John J. Kim  
Interim Director  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Dear Mr. Kim:

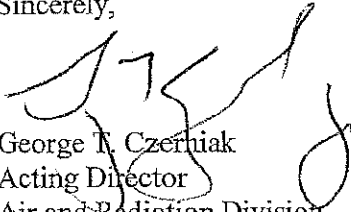
The U.S. Environmental Protection Agency has completed its review of Illinois Environmental Protection Agency's Fiscal Year (FY) 2011 grant related environmental activities as described in your agency's FY 2011 Performance Partnership Grant (PPG) Annual Performance Report. As indicated with previous reviews, while we appreciate your reporting on related issues outside of the PPG, we are limiting this review to the grant only portions of the Environmental Performance Partnership Agreement (PPA) that are commitments funded under the PPG. The information provided for fee based and other activities funded outside of the PPG such as Title V and compliance assurance, while useful for priority setting, are the subject of other agreements and evaluations, such as the February 2011 Work Plan, and are addressed separately in these other agreements.

Enclosed please find a detailed summary of our comments on each PPG funded activity. In addition, we have updated the Water Program review comments to include the results of joint evaluation teleconferences with Illinois that recently took place. Please note the requests for follow up and provide your responses to Richard Cox, your PPA/PPG program manager, at [cox.richard@epa.gov](mailto:cox.richard@epa.gov).

For future progress reports, please report on each commitment against the PPG work plan developed for the FY 2012-2013 PPA. We look forward to implementing a more streamlined process of reporting and reviews using the new format.

I look forward to our continued joint efforts to protect public health and the environment in the State of Illinois. Should you have any questions or wish to discuss EPA's comments on your report, please feel free to contact me at 312-353-2212 or your staff may contact Mr. Cox, at (312) 886-6072, or [cox.richard@epa.gov](mailto:cox.richard@epa.gov).

Sincerely,



George T. Czerniak  
Acting Director  
Air and Radiation Division

Enclosure

cc: Laurel Kroack, Chief  
Bureau of Air  
Illinois EPA

Scott Phillips, Chief  
Bureau of Land  
Illinois EPA

Marcia T. Willhite, Chief  
Bureau of Water  
Illinois EPA

Richard Coffman  
Budget Officer  
Illinois EPA

Deirdre McQuillen  
PPA Coordinator  
Illinois EPA

**U.S. Environmental Protection Agency  
Region 5**

**Comments on Illinois Environmental Protection Agency's (IEPA) Annual Evaluation  
Report for Fiscal Year (FY) 2011 Performance Partnership Grant (PPG)**

**JOINT ENVIRONMENTAL PRIORITIES**

**Midwest Clean Diesel Initiative – Illinois Green Fleets Program**

This program is funded under other grant programs.

**Waukegan Harbor**

The Waukegan Harbor Joint Priority is also funded outside of the PPG by a number of Great Lakes Restoration Initiative grants, state and local agencies, and the Non-Governmental Organization community.

**Concentrated Animal Feeding Operations (CAFO) Permitting**

The CAFO Joint Priority is funded under the Work Plan Agreement not this PPG. For the CAFO program IEPA and EPA entered into the Work Plan Agreement in February of 2011.

While IEPA reported on its activities as part of this agreement for the CAFO program these activities are part of the separate Work Plan. EPA and IEPA discussed CAFO permitting during the March 6, 2012 Water Program joint evaluation teleconference. EPA appreciates the hard work IEPA has put into CAFO permits. All parties agreed that progress had been made. EPA emphasized the main outstanding item relating to CAFOs is the inventory. EPA would like IEPA to complete the inventory by December 2012. IEPA added that they are working on identifying about 25 facilities to inspect. The parties agreed to a conference call in the near future to coordinate CAFO permitting. Also, IEPA still needs to finalize the CAFO rule and a Standard Operating Plan for permit processing. The parties agreed to reexamine the CAFO work plan in 2013.

**Carbon Sequestration**

While IEPA reports that the commitments under the Carbon Sequestration Joint Priority have been met, coordination between EPA and IEPA on this Joint Priority is important and needs to be continued. IEPA and EPA discussed several plans for continuing this coordination during the joint evaluation call on Underground Injection Control (UIC) on February 24, 2012. Plans for continued coordination include the following four activities: making joint facility visits; inviting each other to attend public hearings and meetings; continuing coordination on Environmental

Justice issues; and, working together on sunseting the Archer Daniels Midland (ADM) Class I permit.

Also, IEPA may informally review the on-line Class 6 permit applications. Finally, EPA will keep IEPA informed of any training opportunities, and IEPA agreed that attending would be beneficial.

## **Nutrients**

At this time, EPA is analyzing two sets of nutrient related data for the Nutrients Joint Priority. EPA expects one analysis to be completed by April 2012. EPA anticipates the second analysis to be finished by late summer of 2012. IEPA needs to clarify the following items: whether it will adopt nutrient standards and when; whether it will set effluent limits using waste load allocations derived from completed Total Maximum Daily Load (TMDLS); whether it proposes to use watershed-based activities to set nutrient effluent limits in permits in impaired waters or rely on TMDLS; and, set a time frame for drafting technical procedures to set nutrient effluent limits in permits.

## **AIR PROGRAMS**

### **Criteria Pollutants - Ozone and PM 2.5; 8-Hour Ozone Nonattainment Planning and NOx and VOC RACT (page 1)**

IEPA has met its commitments to submit maintenance plans and redesignation requests for both the Chicago and Metro-East St. Louis ozone nonattainment areas, as described in the report. IEPA has also submitted the indicated fine particulate (PM2.5) redesignation requests for Chicago and Metro-East St. Louis. EPA has no comments on these submittals at this time, but is currently moving to rulemaking on these submittals (although we are working on them for the Chicago area) because of a Court-ordered stay on EPA's Cross-State Air Pollution Rule (CSAPR).

With regard to the other clean air maintenance and redesignation commitments in IEPA's FY 2011 EOY report, IEPA has properly addressed these issues and clarified the current status.

### **Air Permit Program (page 3)**

The Air Permit Title V program is not funded under this PPG. For the Air Permit Title V program IEPA and EPA entered into a Work Plan Agreement in February of 2011. IEPA has met the milestones of the Work Plan to date. EPA will continue to work with IEPA on improving Title V permit issuance and quality consistent with the February 2011 Work Plan Agreement. IEPA has met the New Source Review/Prevention of Significant Deterioration (NSR/PSD) commitments within the PPA.



IEPA provided the following numbers:

	Goal	Achieved
CA725 for all facilities	65%	69%
CA725 for high priority facilities	96%	100%
CA750 for all facilities	55%	65%
CA750 for high priority facilities	82%	97%
<b>CA400 for all facilities</b>	<b>34%</b>	<b>* 31%</b>
CA550 for all facilities	31%	40%

\*Need to update RCRA-Info to show CA400 achieved 40 percent of facilities.

2020 Goals are updated annually and for FY 2011, the Goals and goals Achieved were:

	Goal	Achieved
CA725 for all facilities	74%	70%
CA750 for all facilities	66%	65%
CA550 for all facilities	41%	39%

The Office of Resource Conservation and Recovery/Office of Solid Waste and Emergency Response (ORCR/OSWER) is no longer tracking CA725 high priority facilities, CA750 high priority facilities or CA400, so no goals exist for these measures. EPA believes that these figures are correct and ask that IEPA review these figures and verify to EPA that these are correct.

### **SUPERFUND PROGRAM**

The only Superfund remedial project mentioned in the PPA is the Waukegan Harbor site and the narrative is accurate. Any Superfund remedial agreements that EPA has with IEPA are covered under either site specific or multi-site cooperative agreement outside the PPA process.

### **WATER PROGRAMS**

#### **Bureau of Land Nonhazardous Solid Waste Management**

##### **Class I Wells (page 11)**

IEPA's commitments under this task have been met.

##### **Class V Wells (page 11)**

IEPA's Class V wells commitments have not been satisfactorily met. EPA continues to implement IEPA's Class V program which is an unintended consequence of the Illinois Mutual Benefits Project.

IEPA continues to cite a lack of resources as the reason it can regulate the specific requirements for Class V wells. While IEPA completed the Environmental Results Program Project it did not follow-up on the Class V wells identified. Similarly, while IEPA maintains the Class V inventory it does not actively seek out violating facilities or coordinate with other programs that may be exercising control over these facilities. EPA prefers to work with IEPA in an effort to build state capacity such that IEPA is able to implement its own program. EPA believes this is possible using stepwise approaches and with IEPA's buy-in. It is imperative that our agencies work together to establish a more permanent solution to Class V well regulation.

During the February 2, 2012 joint evaluation call on UIC, EPA and IEPA agreed on coordination for FY 2012. EPA will continue to support the Class V Well Program during FY 2012. IEPA will accomplish the following:

- submit to EPA the write-ups on Class V wells;
- forward updates to EPA unless they contain enforcement sensitive information; and,
- continue to evaluate Class V wells for source water protection.

#### **UIC State Reporting (page 11)**

IEPA has met the overall commitments by submitting an annual well inventory in December 2011 and data for the UIC Program Activity Measures (PAMs) on March 2, 2011 and October 4, 2011. However, with regards to the IEPA's self assessment report for the UIC program, IEPA did not discuss all aspects of UIC as described in the PPA.

During the February 24, 2012 Water Program joint evaluation call on UIC, EPA and IEPA agreed to work together to help IEPA develop a more comprehensive self assessment.

#### **National UIC Database**

IEPA's commitments have been exceeded. IEPA submitted a test flow of data which was successful. EPA will continue to work with IEPA toward full integration with the national system and the ability to flow information on Class I and Class V. EPA plans to meet internally on Quality Assurance for the UIC National Database in spring 2012.

#### **Bureau of Water Objective: Assess Surface Waters**

#### **305(b)/303(d) Reporting (page 14)**

EPA is reviewing IEPA's list, and plans to act on both the FY 2008 and FY 2010 lists in FY 2012. EPA and IEPA spoke during the March 6, 2012 Water Program joint evaluation teleconference call about 305(b)/303(d) reporting. IEPA officials felt they needed a separate